HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.12238 of 1998

Dated 26th day of March, 2007

Between:

The Potato Growers Cooperative Marketing
Society, rep by its Liquidator, Mr.Mallaiah,
Sangareddy, Medak District .. Petitioner

And

The A.P. Industrial Infrastructure Corporation Ltd.,
rep. by its Managing Director,
Hyderabad
and another .. Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to direct the respondents to implement the letter, dated 25.5.1996 and allot the Plot No.B-61 and the structure therein to the petitioner-society for utilizing it and realizing the objectives.

The brief facts of the case are that the petitioner-society was allotted plot No.B-61 at Industrial Area, Balanagar, Hyderabad on lease for 50 years for setting up cold storage plant with the financial aid of the Government. Owing to some reasons, the petitioner could not establish the cold storage within the time frame. The 2nd respondent-Zonal Manager, vide his Proceedings dated 25.5.1996, requested the District Cooperative Officer to issue instructions to the person in-charge and the members of the society for furnishing resolution and consent of the society to purchase the land at the rate of Rs.800/- per square yard if the members are interested to purchase it, and in pursuance of the proceedings, the petitioner gave its consent. Now, the petitioner's grievance is that the 2nd respondent, vide his letter dated 30.9.1997, cancelled the allotment of the plot in question.

Heard the learned counsel for both the parties.

A detailed counter affidavit is filed wherein it is stated that the allotment was cancelled in the year 1975. Thereafter, the Corporation resumed the possession after conducting panchanama on 27.10.1997 and the plot was re-allotted to M/s.Raviteja Enterprises by conducting open auction on 24.11.1997 duly following the procedure, and the possession was handed over to M/s.Raviteja Enterprises on 30.12.1992.

It is true that in the letter dated 25.3.1996, the petitioner-society was requested to clear all the arrears of rent and also submit certain documents to examine its request to allot the plot on outright sale basis.

From this, it cannot be said that the allotment was not cancelled in the year 1975. Despite the fact that the allotment was cancelled in the year 1975 the petitioner was allowed to continue his possession till 27.9.1997 as the Corporation was of the view that the petitioner-society would pay the arrears of rent and also the cost of the land. It was only in that view of the matter the respondent-Corporation issued Proceedings dated 25.5.1996. However, as the petitioner failed to pay either the arrears of rent or the cost of the land, the possession was resumed on 27.10.1997 and thereafter it was duly auctioned. Hence, the petitioner's contention that the respondents have to implement the letter, dated 25.5.1996 cannot be accepted. It is only when the petitioner failed in all aspects i.e. payment of arrears of rent and also the cost of the land, the land was resumed and subsequently auctioned in favour of M/s.Raviteja Enterprises.

Hence, I see no merits in this writ petition, and accordingly, the same is dismissed. No costs.

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26.03.2007

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